

### REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 11, 12, and 16-23 are pending in this application. Claims 11, 16, 19, and 21 are amended by the present amendment.

Amendments to the claims find support in the application as originally filed at least in the specification at page 15, line 13 to page 16, line 9 and Figure 38. Further, Applicants note that the description in the specification at page 61, line 19 to page 63, line 5 relates to Figure 38.

In the outstanding Office Action, Claims 16, 17, 21, and 22 were rejected under 35 U.S.C. § 112, second paragraph, Claims 11, 12, and 16-23 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 6,055,314 to Spies et al. (herein "Spies") in view of U.S. Patent 5,758,068 to Brandt et al. (herein "Brandt") and U.S. Patent 5,260,999 to Wyman.

Regarding the rejections under 35 U.S.C. § 112, second paragraph, Claim 16 is amended to further recite features introduced in Claim 11, from which it depends. Similarly, Claim 21 is amended to further recite features introduced in Claim 19, from which it depends. In addition, Claims 11 and 19 are amended to recite features that are referred to in Claims 17 and 22-23, respectively. Accordingly, it is respectfully requested the rejections under 35 U.S.C. § 112, second paragraph, be withdrawn.

In addition, Applicants respectfully traverse the rejection of Claims 11, 12, and 16-23 under 35 U.S.C. § 103(a) as unpatentable over Spies, Brandt, and Wyman, with respect to amended independent Claims 11 and 19.

Claim 11 is directed to a method of generating license information related to digital contents information that includes, in part, receiving a purchase request from a user. The

request includes an identification of digital contents information, the utilization condition of the digital contents information, and a media identification of a media to which the user records the digital contents information. The digital contents information includes officially copied contents information that is copied under a right for selling the contents information and privately copied contents information that is copied without a right for selling the contents information. The utilization condition information of the privately copied contents information is more restricted than the utilization condition information of the officially copied contents information. Independent Claim 19 includes similar features.

Applicants respectfully submit that Spies, Brandt, and Wyman, whether taken individually or in combination, fail to teach or suggest each of the features of amended independent Claims 11 and 19.

For example, none of Spies, Brandt, or Wyman teach or suggest digital content information that includes both officially copied contents information and privately copied contents information, where the officially copied contents information is copied under a right for selling the contents information and privately copied contents information is copied without a right for selling the contents information. Further, Spies, Brandt, and Wyman fail to teach or suggest a utilization condition information of privately copied contents information being more restricted than a utilization condition information of officially copied contents information.

As noted in the Office Action, Spies does not disclose “generating a license key based on the media information, encrypting the content key, the utilization condition, and the [certificator] based on the license key and the license information including a header, the

encrypted content key and the encrypted utilization condition, the encrypted [certificator] and the digital signature.”<sup>1</sup>

Brandt describes a method and apparatus for software license management in which a license key is used for accessing a license product on an enterprise computer system.<sup>2</sup>

According to Brandt, a first identifier code such as a system serial number is used for allowing a license key to identify the enterprise, a second identifier code from a computer within the enterprise system is used to identify the license key as being part of the enterprise system, and a third identifier code is used to allow the licensed program to be accessed on the enterprise system with only a single key regardless of the number of computers accessing the licensed program.<sup>3</sup> Further, Brandt indicates that a license key is an encrypted string that contains information such as a software product ID, a software product usage limit and a serial number of the system where the key may be installed.<sup>4</sup> In other words, Brandt indicates that a license key may include the encrypted information noted above. However, contrary to the assertion in the Office Action,<sup>5</sup> Brandt fails to teach or suggest generating a license key based on the media identification and further encrypting the content key of the utilization condition, and the certificator based on the license key.

Wyman describes the use of filters and license management systems in which licensed products make a call to a licensor to check on whether usage is permitted and the licensor checks a database of licenses that he administers.<sup>6</sup> According to Wyman, an LDIF document may contain one or more license data content elements each having a structure as shown in

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<sup>1</sup> Office Action at page 4, lines 7-10.

<sup>2</sup> Brandt at Abstract.

<sup>3</sup> Brandt at Abstract.

<sup>4</sup> Brandt at column 1, lines 13-17.

<sup>5</sup> Office Action at page 4, lines 10-12.

<sup>6</sup> Wyman at Abstract.

Figure 16.<sup>7</sup> Thus, Wyman also fails to teach or suggest the claimed features lacking in the disclosures of Spies and Brandt.


Accordingly, Applicants respectfully submit that Spies, Brandt, and Wyman, whether taken individually or in combination, fail to teach or suggest “digital contents information comprising officially copied contents information which is copied under a right for selling a contents information and privately copied contents information which is copied without a right for selling the contents information, and the utilization condition information of the privately copied contents information being more restricted than the utilization condition information of the officially copied contents information,” as recited in independent Claims 11 and 19.

Therefore, it is respectfully submitted that independent Claims 11 and 19, and claims depending therefrom, are allowable.

Consequently, in light of the above discussion and in view of the present amendment, this application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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<sup>7</sup> Wyman at column 32, lines 16-33.